



Attorney's Docket No.: 09010-113001

CRP 1632

H/B
7-29-02
R2.

CIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark Madden et al.

Art Unit : 1632

Serial No. : 09/751,299

Examiner : Unknown

Filed : December 28, 2000

Title : METHODS FOR PRODUCING ENANTIOMERICALLY PURE ALPHA-SUBSTITUTED CARBOXYLIC ACIDS

Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

UNDER 37 CFR §1.97 and §1.98

Sir:

Enclosed for filing in the above-referenced patent application is a Form PTO-1449, being submitted prior to the first Office Action on the merits. Applicants respectfully request consideration of the remarks and references set forth herein.

The following documents are enclosed herewith:

- copy of Form PTO-1449
- Postcard
- copy of the International Search Report
- copies of cited references
- copy of initial Information Disclosure Statement w/o references

RECEIVED

JUL 29 2002

TECH CENTER 1600/2900

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

July 17, 2002

Date of Deposit

Signature

Jeanne Amour-Rice

Jeanne Amour-Rice

Typed or Printed Name of Person Signing Certificate

Applicant : Mark Madden et al.
Serial No. : 09/751,299
Filed : December 28, 2000
Page : 2

Attorney's Docket No.: 09010-113001

REMARKS

The references cited on attached form PTO-1449 are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

A copy of the International Search Report for PCT/US00/35555, mailed August 17, 2001, a counterpart international application, is enclosed for the Examiner's convenience.

This submission is a supplemental Information Disclosure Statement (IDS). The initial IDS and PTO FORM 1449 were submitted September 6, 2001.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicants believe that no fee is required for submission of this statement, since it is being submitted prior to the first Office Action. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 06-1050. If necessary, please deduct any necessary additional fees from, or credit any overpayment to, the above-noted Deposit Account.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858 678 5070.

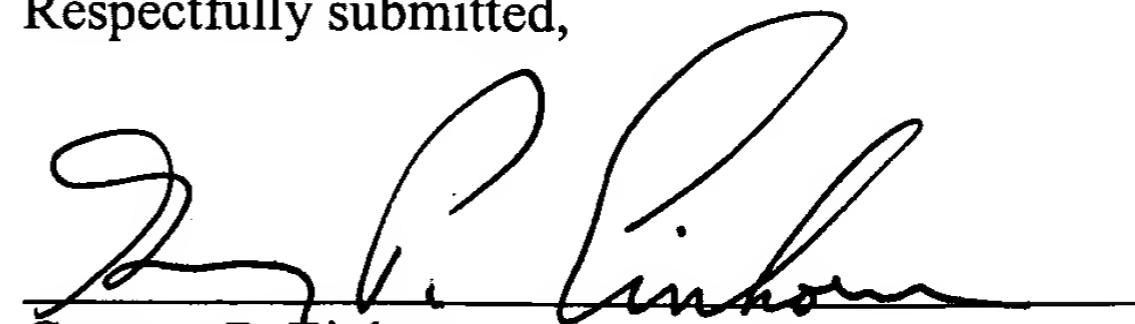
Applicant : Mark Madden et al.
Serial No. : 09/751,299
Filed : December 28, 2000
Page : 3

Attorney's Docket No.: 09010-113001

Respectfully submitted,

Date:

July 17, 2002



Gregory P. Einhorn
Reg. No. 38,440

Fish & Richardson P.C.
4350 La Jolla Village Drive, Suite 500
San Diego, CA 92122
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

10199254.doc

PATENT
ATTORNEY DOCKET NO.: DIVER1440-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Madden, et al.

Art Unit: 1632

Application No.: 09/751,299

Examiner: Unassigned

Filed: December 28, 2000

Title: METHODS FOR PRODUCING ENANTIOMERICALLY PURE α -
SUBSTITUTED CARBOXYLIC ACIDS

Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL SHEET

Transmitted herewith for the above-identified application please find:

1. Information Disclosure Statement (2 pages);
2. Form PTO-1449 (2 pages);
3. International Search Report Mailed August 17, 2001;
4. Seventeen (17) references; and
5. Return postcard.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein
are being deposited with the United States Postal Service as first
class mail on September 6, 2001, in an envelope addressed to:
Commissioner for Patents, Washington, D.C. 20231

Karen LePari

Karen LePari

In re Application of:

Madden, et al.

Application No.: 09/751,299

Filed: December 28, 2000

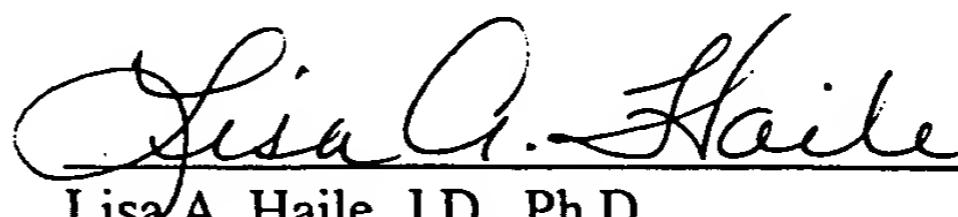
Page 2

PATENT

Attorney Docket No.: DIVER1440-2

Applicant does not believe any fees are due in connection with this submission, however if any additional fees are due, Applicant authorizes the Commissioner to charge or credit any overpayment to Deposit Account No. 50-1355.

Respectfully submitted,



Lisa A. Haile, J.D., Ph.D.

Registration No.: 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

Date: September 6, 2001

GRAY CARY WARE & FREIDENRICH LLP

4365 Executive Drive, Suite 1600

San Diego, CA 92121-2189

USPTO CUSTOMER NUMBER 28213

PATENT
ATTORNEY DOCKET NO.: DIVER1440-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Madden, et al. Art Unit: 1632
Application No.: 09/751,299 Examiner: Unassigned
Filed: December 28, 2000
Title: METHODS FOR PRODUCING ENANTIOMERICALLY PURE α -SUBSTITUTED CARBOXYLIC ACIDS

Commissioner for Patents
1 Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.98, enclosed are references relating to the above-identified application. Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. For the convenience of the Examiner, these references along with a copy of the International Search Report, are listed on the attached Form PTO-1449 and a copy of each is enclosed herewith. In addition, U.S. 5,756,306 has been cited in this IDS.

It is respectfully requested that these references be considered in the examination of this application and their consideration be made of written record in the application file.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on September 6, 2001, in an envelope addressed to:
Commissioner for Patents, Washington, D.C. 20231

Karen LePari

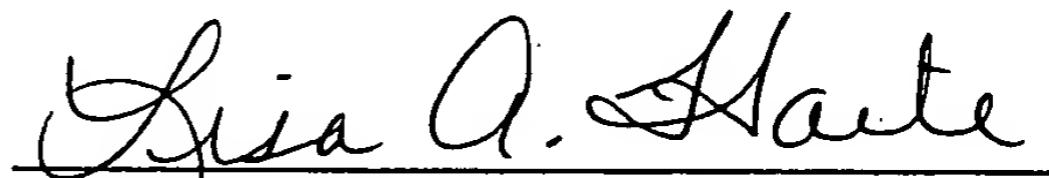
Karen LePari

In re Application of:
Madden, et al.
Application No.: 09/751,299
Filed: December 28, 2000
Page 2

PATENT
Attorney Docket No.: DIVER1440-2

This Information Disclosure Statement is being filed prior to the receipt of a First Office Action on the merits. Therefore, no fee is deemed necessary in connection with this filing. However, if any fee is required, authorization is hereby given to charge the amount of any such fee, or credit any overpayment, to Deposit Account No. 50-1355.

Respectfully submitted,



Dated: September 6, 2001

Lisa A. Haile, Ph.D.
Registration No. 38,347
Telephone: 858-677-1456
Facsimile: 858-677-1465

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1600
San Diego, CA 92121-2189
USPTO Customer Number 28213

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office		Docket No.: DIVER1440-2	Application N :: 09/751,299
Applicants:			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Filing Date: December 28, 2000	Group Art Unit: 1632

U.S. PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	A	5,756,306	5/26/98	Yamaguchi, et al.	435	41	11/8/96

FOREIGN PATENT DOCUMENTS

EXAM. INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION (YES/NO)
	B	0 332 379 A2	9/13/89	EP			
	C	0 449 648 A2	10/2/91	EP			
	D	0 502 476 A2	9/9/92	EP			
	E	0 610 049 A2	8/10/94	EP			
	F	0 610 048 A2	8/10/94	EP			
	G	0 711 836 A1	5/15/96	EP			
	H	0 773 297 A2	5/14/97	EP			
	I	0 780 471 A2	6/25/97	EP			
	J	WO 86/07386	12/18/86	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages)

K	Bork, et al., "New Family of Carbon-nitrogen Hydrolases", Protein Science, 3(8):1344-1346, (1994).	
L	Duran, et al., "Characterization of Nitrile Hydratase Genes Cloned by DNA Screeing from <i>Rhodococcus Erythropolis</i> ," 57(8):1323-1328, (1993).	
M	Levy-Schil, et al., "Aliphatic Nitrilase from a Soil-isolated Comamonas Testosteroni sp.: Gene Cloning and Overexpression, Purification, and Primary Structure," Gene, Elsevier Biomedical Press, 161(1):15-20, (1995).	

FORM PTO-1449 U.S. Department of Commerce Patent and Trademark Office		Docket No.: DIVER1440-2	Application No.: 09/751,299
Applicants:			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Filing Date: December 28, 2000	Group Art Unit: 1632

	N	Komeda, et al., "Transcriptional Regulation of the <i>Rhodococcus rhodochrous</i> J1 <i>nitA</i> Gene encoding a Nitrilase," Proc. Natl. Acad. Science, 93(20):10572-10577, (1996).
	O	Novo, et al., " <i>Pseudomonas Aeruginosa</i> Aliphatic Amidase is Related to the Nitrilase/Cyanide Hydratase Enzyme Family and Cys ¹⁶⁶ is Predicted to be the Active Site Nucleophile of the Catalytic Mechanism," Febs. Letters, Elsevier Science Publishers, 367(3):275-279, (1995).
	P	Wanatabe, et al., "Cloning and Expression of a Gene Encoding Cyanidase from <i>Pseudomonas stutzeri</i> AK61," Applied Microbiology and Biotechnology, 50(1):93-97, (1998).
	Q	Wiyakrutta, et al., "A Stereo-inverting D-phenylglycine Aminotransferase from <i>Pseudomonas Stutzeri</i> ST-201: Purification, Characterization and Application for D-phenylglycine Synthesis," Journal of Biotechnology, 55(3):193-203, (1997).